

1 [SEE SIGNATURE PAGE FOR COUNSEL]

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
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12 GOOGLE INC., AOL LLC, YAHOO! INC., IAC  
13 SEARCH & MEDIA, INC., and LYCOS, INC.,

14 Plaintiffs,

15 v.

16 L. DANIEL EGGER, SOFTWARE RIGHTS  
17 ARCHIVE, LLC, and SITE TECHNOLOGIES,  
INC.,

18 Defendants.  
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Case No. C-08-03172-RMW

**REPLY IN SUPPORT OF  
PLAINTIFFS' MOTION TO  
STRIKE SITE TECHNOLOGIES,  
INC.'S MOTION TO DISMISS,  
TRANSFER, OR STAY**

**HEARING REQUESTED**

Date: August 21, 2009

Time: 9:00 AM

Judge: Hon. Ronald M. Whyte

1 SRA and Egger's Response to Plaintiffs' Motion to Strike is effectively a non-opposition.<sup>1</sup>  
2 Indeed, by filing the Response on behalf of SRA and Egger only, and not on behalf of Site  
3 Technologies, Inc. ("Site Technologies") SRA and Egger concede that their counsel does not  
4 represent Site Technologies.

5 SRA and Egger do not attempt to rebut Plaintiffs' showing that their counsel cannot  
6 represent Site Technologies in this proceeding. They also do not put forward any theory as to  
7 why their counsel should be permitted to file motions on behalf of an entity whose interests are  
8 adverse to their own. For all the reasons set forth in their opening brief, Plaintiffs' Motion to  
9 Strike therefore should be granted.

10 SRA and Egger's only argument is that Plaintiffs' Motion to Strike is a "waste of time"  
11 because this action allegedly should be dismissed. As Plaintiffs explained in their Opposition to  
12 the Motion to Dismiss, however, neither this motion nor this action is a waste of time.<sup>2</sup> This case  
13 is appropriately before this Court and should remain so.

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24 <sup>1</sup> "SRA" refers to Defendant Software Rights Archive, LLC. "Egger" refers to Defendant  
25 L. Daniel Egger. "Motion to Strike" refers to Plaintiffs' Motion to Strike Site Technologies,  
Inc.'s Motion to Dismiss, Transfer, or Stay, dated January 20, 2009 [Docket No. 64].

26 <sup>2</sup> "Motion to Dismiss" refers to the Defendants' Motion to Dismiss, Transfer or Stay,  
27 Under the First-to-File Rule, Under Rule 12(b)(2) for Lack of Personal Jurisdiction, and Under  
28 Rule 12(b)(1) for Lack of Subject Matter Jurisdiction, filed November 10, 2008 [Docket No. 42].  
Plaintiffs filed their Opposition to the Motion to Dismiss on July 24, 2009.

1 Dated: August 7, 2009

Respectfully submitted,

2 By: /s/ Juanita R. Brooks

3 Juanita R. Brooks (SBN 75934,  
4 brooks@fr.com)  
5 Jason W. Wolff (SBN 215819,  
6 wolff@fr.com)  
7 FISH & RICHARDSON P.C.  
8 12390 El Camino Real  
9 San Diego, CA 92130  
10 Telephone: (858) 678-5070  
11 Facsimile: (858) 678-5099

12 Thomas B. Walsh, IV (*admitted pro hac*  
13 *vice*)  
14 FISH & RICHARDSON P.C.  
15 5000 Bank One Center  
16 1717 Main Street  
17 Dallas, TX 75201  
18 Telephone: (214)747-5070  
19 Facsimile: (214) 747-2091  
20 Email: walsh@fr.com

21 Jerry T. Yen (SBN 247988, yen@fr.com)  
22 FISH & RICHARDSON P.C.  
23 500 Arguello Street, Suite 500  
24 Redwood City, CA 94063  
25 Telephone: (650) 839-5070  
26 Facsimile: (650) 839-5071

27 Attorneys for Plaintiffs GOOGLE INC. and  
28 AOL LLC

By: /s/ Richard. S.J. Hung

Michael A. Jacobs (CA Bar No. 111664)  
Richard S.J. Hung (CA Bar No. 197425)  
MORRISON & FOERSTER  
425 Market Street  
San Francisco, CA 94105  
Telephone: 415-268-7000  
Facsimile: 415-268-7522  
Email: mjacobs@mofo.com

Attorneys for Plaintiff YAHOO! INC.

By: /s/ Jennifer A. Kash

Claude M. Stern (CA Bar No. 96737)  
Jennifer A. Kash (CA Bar No. 203679)  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP  
555 Twin Dolphin Drive, Suite 560  
Redwood Shores, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

Email: claudestern@quinnemanuel.com  
Email:jenniferkash@quinnemanuel.com

Attorneys for Plaintiffs IAC SEARCH &  
MEDIA, INC. and LYCOS, INC.

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**DECLARATION OF CONSENT**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from counsel for Plaintiffs Google Inc., AOL LLC, IAC Search & Media, Inc. and Lycos, Inc.

Dated: August 7, 2009

By: /s/ Richard S.J. Hung